



MIOsha eNews

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WHAT'S HAPPENING

Michigan Worker Deaths of 2015

The 11th and 12th Michigan worker death of 2015 occurred on June 16, and June 27, 2015. Employers and employees are urged to use extreme care and safety diligence in all work activities.

Summary of incident #11: On June 16, 2015, at approximately 10:10 a.m., a 40-year-old electrician foreman was preparing to wire a fire pump to the electrical supply when the employee received an electrical shock.

Summary of incident #12: On June 27, 2015, at approximately 10:00 a.m., a 30 year old laborer was power washing a silo from a boom lift raised approximately 60 feet in the air when it contacted overhead power lines. The laborer made it from the basket of the lift onto the roof of the silo where he fell to the ground below.

There were 37 MIOsha-related deaths in 2014. 2009 saw the lowest number with 24.

If you need help or assistance in ensuring your workplace is safe, MIOsha is here with resources to help. The Consultation Education & Training (CET) Division provides workplace safety and health training and consultations to employers and employees throughout Michigan free of charge. Contact CET today at 800-866-4674 or submit a request online at www.michigan.gov/cetrca.

Every life is precious. Our mutual goal must be that every employee goes home at the end of their shift every day!

Changes to MIOsha Standard Part 11, Recording and Reporting of Occupational Injuries and Illnesses

Beginning September 1, 2015, MIOsha will implement the new injury reporting requirements in response to the changes federal OSHA made effective January 1, 2015. Effective September 1, 2015, employers in the state of Michigan will be required to report any work-related amputation, loss of an eye, or in-patient hospitalization of any employee, within 24 hours of the incident. Currently, employers must report the work-related in-patient hospitalization of three or more employees.

Beginning September 1st, employers can go to the MIOsha Recordkeeping website to report an in-patient hospitalization, amputation, or loss of an eye incident or call the new injury report line. This system should **NOT** be used for reporting work related fatalities. All work-related

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fatalities must be reported within eight hours to the current Fatality line of 1-800-858-0397.

The previous reporting requirement classified as a catastrophe (in-patient hospitalization of 3 or more employees) is in the process of being removed from the Michigan Occupational Safety and Health Act (Act 154, of 1974). If the changes to Act 154 are not in effect by September 1, 2015, violations for not reporting in-patient hospitalizations of less than 3 employees will not be issued. Employers not reporting amputations or loss of eye injuries to MIOSHA within 24 hours would be in violation of the Part 11 standard. Updates will be provided on the status of Act 154 changes as information is made available. If you have any questions, please contact MIOSHA Information Services Section staff at (517) 322-1848.

Consultation Education and Training Safety Awards

The Consultation Education and Training (CET) Division recognizes the achievements of Michigan employers and employees through CET Safety Awards. Awards are given to companies who have achieved outstanding safety and health records and have implemented an effective safety and health management system (SHMS).

CET Awards

All CET Safety Award applicants must be evaluated by a CET consultant who will assist with the award application, confirm award eligibility, and submit the completed award application to the CET Division. The revised awards criteria places a greater weight on proactive safety indicators (e.g., participation on safety committees, conducting self-inspections, reporting near-misses, thorough root cause analyses, etc.), and the elements that comprise a SHMS. Thirty-two attributes will be reviewed to assess the effectiveness of a company's SHMS.

The **Gold award** is issued to an establishment that has a current and last two complete years' Total Case Incident Rate (TCIR) and Days Away, Restricted and Transfer (DART) below the industry average. The Gold award criterion also includes having the company implement at least 24 of 32 attributes in its SHMS. The Gold award company must have at least two implemented attributes in each of the five SHMS elements, and have an established safety and health committee.

The **Silver award** is issued to an establishment which has TCIR and DART rates below the industry average for the current and last complete year. The Silver award criterion also includes having the company implement at least 20 of 32 attributes in its SHMS. The Silver award company must have at least one implemented attribute in each of the five SHMS elements, and have an established safety and health committee.

The **Bronze Certificate of Recognition** is issued to an establishment that does not meet the criteria for the Silver or Gold award. The certificate may be granted for other significant safety and health achievements or for major contributions or service that has resulted in a positive impact on worker safety and health. The company must have implemented a minimum of 16 of 32 attributes in its SHMS. The company must also have a current TCIR and DART rate that is within 25% of their industry averages.

MIOSHA Ergonomics Award

The **Ergonomic Success award** will be given to an establishment who has instituted ergonomic improvements and have substantially reduced Musculoskeletal Disorders (MSDs). The criteria for the Ergonomic Success award include the following:

- The employer's last 12 month TCIR shall be below the industry average rate and the employer must have implemented at least 20 of the 32 attributes in their SHMS.
- The employer has had at least a 25% reduction of MSD incidence rate over the previous 12-month period, with no increase in their total case incidence rates.
- The improvement must be brought about through ergonomic engineering controls, administrative controls, and/or incentives.
- The employer should have a method for obtaining input from employees, and have employee involvement in the improvement process.

For more information on CET Safety Awards, contact the Consultation Education and Training (CET) Division at 517-322-1809.

Litigation Update: Dkt. No. 12-000229-MIOSHA

The [November 5, 2013 MIOSHA eNews](#) reported a hearing decision by an Administrative Law Judge (ALJ) which upheld multiple serious and other-than-serious safety and health citations, along with \$42,500 in proposed penalties issued by the **General Industry Safety and Health Division**. After the ruling by the ALJ, the Board of Health and Safety Compliance and Appeals accepted the ALJ Decision as a final order.

Once a hearing decision is entered as a final order of the Board, either party may petition for a review of the final order by the state circuit court. The circuit court may reverse or set aside a final order if the court determines that the final order is any of the following:

- In violation of the constitution or statute.
- In excess of the statutory authority or jurisdiction of the agency.
- Made upon unlawful procedure resulting in material prejudice to a party.
- Not supported by competent, material and substantial evidence on the whole record.
- Arbitrary, capricious or clearly an abuse or unwarranted exercise of discretion.
- Affected by other substantial and material error of law.

Following the publication of the eNews article, the employer exercised its right to file a petition for review of the final order with the Bay County Circuit Court.

On January 16, 2015, after review of the hearing record, briefs from the parties, and oral argument, the Bay County Circuit Court Judge issued an Order denying the petition for review and upholding the final order of the Board.

The employer did not file an appeal of the Bay County Circuit Court Order. The citations and penalties are now final and not subject to further review.

AGENCY INSTRUCTIONS/MEMOS ISSUED

June 12, 2015 – [Communication of Inspection Findings](#)

MEDIA

June 4, 2015 – [Tiara Yachts hosts 'Coffee with MIOSHA' in Holland: Employers and workers connect with MIOSHA to discuss workplace safety and health](#)

All of the MIOSHA Press Releases can be viewed from our [website](#).

VARIANCES

Variances from MIOSHA standards must be made available to the public in accordance with Part 12, Variances (R408.22201 to 408.22251). MIOSHA variances are published on the MIOSHA News website: www.michigan.gov/mioshavariances.

QUICK LINKS

[Consultation Education & Training \(CET\) Division](#)
[CET Request for Consultative Assistance Services](#)
[Construction Safety & Health Division \(CSHD\)](#)
[Employee Safety, Health and Discrimination Complaint Forms](#)

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